IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 767 OF 2006
IN
ARBITRATION PETITION NO. 288 OF 2006

A.N.A. Development Pvt. Ltd.] .. Appellants (Ori.Petitioners)

Versus

Bhagwandas Kanjibhai Mistry] .. Respondent (Ori.Respondent)

Mr. Virag Tulzapurkar, senior counsel with Mrs. Jyoti Ghag i/b M/s. Thakore Jariwala & Associates for the appellants.

Mr. Bipin Shukla i/b M/s. SRS Legal for respondent No.7.

CORAM: R.M. LODHA, &
S.A. BOBDE, JJ.

DATED: 06TH NOVEMBER, 2006

P.C. :

. We heard the senior counsel and the counsel for the parties.

2. Though we find that the learned single Judge was not justified in holding that no steps were taken by the present appellants (petitioners therein) for constitution of Arbitral Tribunal, yet in view of the fact that there is already Court Receiver appointed in Suit No. 1906 of 2006 wherein the present parties are

also parties to the Suit, we are satisfied that the impugned order may not be interfered with.

3. We are also informed that now the Arbitral Tribunal has been constituted. In this view of the matter, we clarify that in case the interim order dated 13th July, 2006 passed in Suit No.1906 of 2006 is varied, modified or discharged, the present appellants shall be at liberty to make appropriate application for interim relief before the Arbitral Tribunal and in that event the Arbitral Tribunal shall pass an appropriate interim order after hearing the parties.

. Appeal is disposed of accordingly.

Sd/-
[R.M. LODHA, J.]

Sd/-
[S.A. BOBDE, J.]